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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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JEFF HATCH-MILLER, Chairman
KRISTIN K. MAYES
WILLIAM MUNDELL
MARC SPITZER
MIKE GLEASON

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE) DOCKET NO. RR-03639A-05-0444
ABOLITION OF TWO UNION PACIFIC)
RAILROAD PUBLIC CROSSINGS,) UNION PACIFIC RAILROAD
DOT #741 349T AND DOT #741 354P) COMPANY'S NOTICE OF
APPLICATION FOR CLOSURE
OF TWO CROSSINGS AND
PROCEDURAL ORDER RE: SAME

Applicant Union Pacific Railroad Company, by and through its attorneys Beaugureau, Zukowski & Hancock, P.C., pursuant to the Procedural Order of the Arizona Corporation Commission ("ACC") dated July 5, 2005, hereby gives notice of its Application for the Closure of Two Railroad Crossings at AAR DOT Nos. 741 349T and 741 354P, and the ACC's Procedural Order related thereto, by attaching a copy of said documents hereto as Exhibits 1 and 2 respectively to the following:

Arizona Department of Transportation
Dennis Alvarez, District Engineer
1221 South 2nd Avenue
Tucson, AZ 85713-1602
(520) 620-5411

David Gibson
Arizona Department of Transportation
206 South 17th Avenue, MD-064R
Phoenix, AZ 85007

1 Pinal County
2 Planning & Development Department
3 David Kuhl, Director
4 31 North Pinal Street
5 Building F
6 Florence, AZ 85232
7 (520) 866-6442

8 City of Casa Grande
9 Planning and Development Department
10 Rick Miller, Director
11 510 East Florence Blvd.
12 Casa Grande, AZ 85222

13 DATED this 11th day of July, 2005.

14 BEAUGUREAU, ZUKOWSKI
15 & HANCOCK, P.C.

16 By: Terrance L. Sims
17 Anthony J. Hancock
18 Ernest Collins, Jr.
19 Terrance L. Sims
20 2111 E. Highland Avenue, #255
21 Phoenix, Arizona 85016
22 Attorneys for Applicant Union
23 Pacific Railroad Company

24 ORIGINAL AND THIRTEEN COPIES
25 of the foregoing filed this 11th day of July,
26 2005, with:

Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

COPY of the foregoing hand-delivered
this 11th day of July, 2005, to:

Christopher Kempley
Chief Counsel, Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

1 Timothy J. Sabo, Esq.
2 Attorney, Legal Division
3 Arizona Corporation Commission
4 1200 West Washington Street
5 Phoenix, Arizona 85007

6 Don Thompson, Chief
7 Railroad Safety Section
8 Utilities Division
9 Arizona Corporation Commission
10 1200 West Washington Street
11 Phoenix, AZ 85007

12 COPY of the foregoing mailed, via
13 certified mail, this 11th day of July,
14 2005, to:

15 Arizona Department of Transportation
16 Dennis Alvarez, District Engineer
17 1221 South 2nd Avenue
18 Tucson, AZ 85713-1602

19 David Gibson
20 Arizona Department of Transportation
21 206 South 17th Avenue, MD-064R
22 Phoenix, AZ 85007

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26 31 North Pinal Street
Building F
Florence, AZ 85232

City of Casa Grande
Planning and Development Department
Rick Miller, Director
510 East Florence Blvd.
Casa Grande, AZ 85222

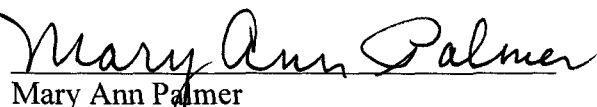
23 
24 Mary Ann Palmer

EXHIBIT 1

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

COMMISSIONERS

2005 JUN 17 P 4: 26

JEFF HATCH-MILLER, Chairman

KRISTIN K. MAYES

WILLIAM MUNDELL

MARC SPITZER

MIKE GLEASON

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE
ABOLITION OF TWO UNION PACIFIC
RAILROAD PUBLIC CROSSINGS,
DOT #741 349T AND DOT #741 354P

) DOCKET NO. _____
)
) **UNION PACIFIC RAILROAD**
) **COMPANY'S APPLICATION**
) **FOR AUTHORITY TO ABOLISH**
) **PUBLIC RAILROAD CROSSINGS,**
) **DOT #741 349T AND DOT #741 354P**

Applicant Union Pacific Railroad Company ("Union Pacific"), whose post office address is 1255 South Campbell Avenue, Tucson, Arizona 85713, by and through its attorneys Beaugureau, Zukowski & Hancock, P.C., pursuant to A.A.C. R14-3-106(F) and R14-3-107 and A.R.S. § 40-337(B)(2), hereby applies for authority to abolish two public grade crossings of State Highway 238 (the "Maricopa Highway") and Union Pacific's railroad tracks near Casa Grande, Arizona, DOT #741 349T at railroad milepost 905.6, and DOT #741 354P at railroad milepost 913.8, both on Union Pacific's Gila Subdivision. The reasons for this application follow, supported by the Affidavit of James H. Smith, attached hereto as Exhibit A:

1. Pursuant to A.R.S. § 40-285(C) and *Babe Investments v. Arizona Corporation Commission*, 189 Ariz. 147, 939 P.2d 425 (App. 1997), Union Pacific has determined that its railroad spur tracks that cross State Highway 238 at DOT #741 349T and DOT #741 354P are not necessary or useful in the performance of Union Pacific's duties to the public, and has therefore decided to abandon those spur tracks.

1 2. Crossings DOT #741 349T and DOT #741 354P are protected by automatically
2 controlled warning signals consisting of flashing lights, bells and gate arms, which Union Pacific
3 is currently maintaining although the tracks are no longer used. The switches controlling access to
4 these spur tracks have been removed from the main track because no trains use the abandoned spur
5 tracks any longer.

6 3. In light of Union Pacific's abandonment of the spur tracks, Union Pacific wishes to
7 abolish the public crossings DOT #741 349T and DOT #741 354P, by removing at its own cost its
8 railroad tracks where they intersect State Highway 238, removing the automatically controlled
9 warning signals, and restoring the surface of State Highway 238 following such removal.

10 4. Abolition of crossings DOT #741 349T and DOT #741 354P is in the interest of public
11 convenience and safety, as well as in Union Pacific's interest in not being required to maintain the
12 tracks, crossing surfaces and signals at those crossings. Although the automatically controlled
13 warning signals are operational, they are never activated because no trains use the abandoned spur
14 tracks, and the switches controlling access to those spur tracks have been removed from the main
15 track. However, because the crossings still exist, motor vehicles carrying passengers for hire,
16 school buses and vehicles carrying or returning after delivery of explosive substances or
17 flammable liquids are required to make unnecessary stops at those crossings pursuant to A.R.S. §
18 28-853. It would be more convenient and safer for all travelers on State Highway 283 if the
19 railroad crossings were removed so that such unnecessary stops were not required.

20 For the foregoing reasons, Union Pacific respectfully applies for authority to abolish both
21 public grade crossings of State Highway 238 (the "Maricopa Highway") and Union Pacific's
22 railroad tracks near Casa Grande, Arizona, DOT #741 349T and DOT #741 354P.

23 ...

24 ...

1 RESPECTFULLY SUBMITTED this 17th day of June, 2005.

2 BEAUGUREAU, ZUKOWSKI
3 & HANCOCK, P.C.

4 By: Terrance L. Sims
5 Anthony J. Hancock
6 Ernest Collins, Jr.
7 Terrance L. Sims
8 2111 E. Highland Avenue, #255
9 Phoenix, Arizona 85016
10 Attorneys for Applicant Union
11 Pacific Railroad Company

12 ORIGINAL AND THIRTEEN COPIES
13 of the foregoing filed this 17th day of
14 June, 2005, with:

15 Arizona Corporation Commission
16 1200 West Washington Street
17 Phoenix, Arizona 85007

18 COPY of the foregoing mailed this
19 17th day of June, 2005, to:

20 Timothy J. Sabo, Esq.
21 Attorney, Legal Division
22 Arizona Corporation Commission
23 1200 West Washington Street
24 Phoenix, Arizona 85007

25 Mary Ann Palmer
26 Mary Ann Palmer

EXHIBIT A

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 JEFF HATCH-MILLER, Chairman
4 KRISTIN K. MAYES
5 WILLIAM MUNDELL
6 MARC SPITZER
7 MIKE GLEASON

8 IN THE MATTER OF THE
9 ABOLITION OF TWO UNION PACIFIC
10 RAILROAD PUBLIC CROSSINGS,
11 DOT #741 349T AND DOT #741 354P
12
13

)
) DOCKET NO. _____
)
) **AFFIDAVIT OF JAMES H. SMITH**
) **IN SUPPORT OF UNION PACIFIC**
) **RAILROAD COMPANY'S**
) **APPLICATION FOR AUTHORITY**
) **TO ABOLISH PUBLIC RAILROAD**
) **CROSSINGS, DOT #741 349T AND**
) **DOT #741 354P**
)

14 James H. Smith, being first duly sworn upon his oath, states as follows:

15 1. I am over the age of eighteen, and I have personal knowledge of the facts stated
16 herein.

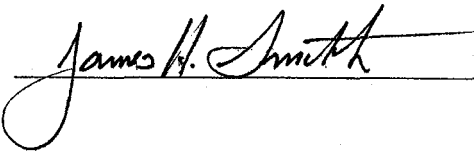
17 2. I am employed by Union Pacific Railroad Company as Manager of Industry and
18 Public Projects and I have responsibility for the State of Arizona.

19 3. Union Pacific has determined that its railroad spur tracks that cross State Highway
20 238 at DOT #741 349T and DOT #741 354P are not necessary or useful in the performance of
21 Union Pacific's duties to the public, and has therefore decided to abandon those spur tracks.


22 4. Crossings DOT #741 349T and DOT #741 354P are protected by automatically
23 controlled warning signals consisting of flashing lights, bells and gate arms, which Union Pacific is
24
25
26

1 currently maintaining although the tracks are no longer used. The switches controlling access to
2 these spur tracks have been removed from the main track because no trains use the abandoned spur
3 tracks any longer.

4 5. In light of Union Pacific's abandonment of the spur tracks, Union Pacific wishes to
5 abolish the public crossings DOT #741 349T and DOT #741 354P, by removing at its own cost its
6 railroad tracks where they intersect State Highway 238, removing the automatically controlled
7 warning signals, and restoring the surface of State Highway 238 following such removal.
8

9
10 
11

12 SUBSCRIBED AND SWORN TO before me this 14 day of June, 2005.

13
14 
Notary Public

15 My Commission Expires:

16 10/30/08

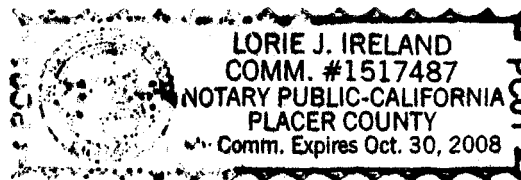
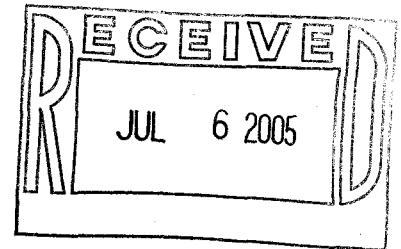


EXHIBIT 2

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 JEFF HATCH-MILLER, Chairman
4 WILLIAM A. MUNDELL
5 MARC SPITZER
6 MIKE GLEASON
7 KRISTIN K. MAYES



8 IN THE MATTER OF THE APPLICATION OF
9 THE UNION PACIFIC RAILROAD COMPANY
10 FOR THE CLOSURE OF TWO RAILROAD
11 CROSSINGS AT AAR DOT NOS. 741 349T AND
12 741 354P.

DOCKET NO. RR-03639A-05-0444

PROCEDURAL ORDER

13 **BY THE COMMISSION:**

14 On June 17, 2005, the Union Pacific Railroad Company ("Railroad") filed with the Arizona
15 Corporation Commission ("Commission") a request for approval for the closure of two of the
16 Railroad's spur crossings at State Highway 238 (the Maricopa Highway) at AAR DOT No. 741 349T
17 and near Casa Grande, Arizona at AAR DOT No. 741 354P.

18 IT IS THEREFORE ORDERED that the request of the Railroad shall be considered an
19 application for the permanent closure of the two crossings pursuant to A.R.S. § 40-337, et seq.

20 IT IS FURTHER ORDERED that the Railroad shall be considered the Applicant in this
21 proceeding.

22 IT IS FURTHER ORDERED that the **hearing** on the application shall be held on **July 27,**
23 **2005, at 10:30 a.m.,** or as soon thereafter as is practical, at the Commission's offices, 1200 West
24 Washington Street, Phoenix, Arizona.

25 IT IS FURTHER ORDERED that within five business days of receipt of this Procedural
26 Order, the Railroad shall provide Pinal County, the Town of Casa Grande and any other municipality
27 or interested party that may be affected by the application with a copy of the application and this
28 Procedural Order by certified mail.

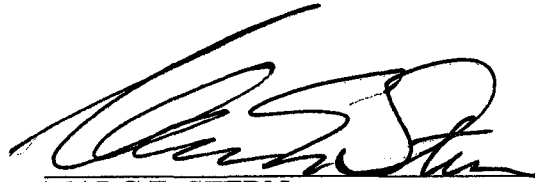
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IT IS FURTHER ORDERED that the RAILROAD SHALL FILE WITH THE COMMISSION'S DOCKET CONTROL AN ORIGINAL AND THIRTEEN (13) COPIES OF PROOF OF COMPLIANCE WITH THIS PROCEDURAL ORDER CONCURRENTLY WITH THE MAILING OF NOTICE ORDERED HEREIN.

DATED this 5TH day of July, 2005



MARC E. STERN
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered
this 5 day of July, 2005 to:

James H. Smith
UNION PACIFIC RAILROAD COMPANY
10031 Foothills Blvd.
Roseville, CA 95747

Anthony J. Hancock
Ernest Collins, Jr.
Terrance L. Sims
BEAUGUREAU, ZUKOWSKI &
HANCOCK
2111 E. Highland Avenue, #255
Phoenix, AZ 85016

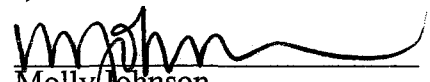
David Gibson
Arizona Department of Transportation
206 S. 17th Avenue, MD-064R
Phoenix, AZ 85007

Christopher Kempley, Chief Counsel
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

Don Thompson, Chief
Railroad Safety Section
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

ARIZONA REPORTING SERVICE, INC.
2627 N. Third Street, Suite Three
Phoenix, Arizona 85004-1104

By:



Molly Johnson
Secretary to Marc E. Stern

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JEFF HATCH-MILLER, Chairman
KRISTIN K. MAYES
WILLIAM MUNDELL
MARC SPITZER
MIKE GLEASON

IN THE MATTER OF THE)	DOCKET NO. RR-03639A-05-0444
ABOLITION OF TWO UNION PACIFIC)	
RAILROAD PUBLIC CROSSINGS,)	UNION PACIFIC RAILROAD
DOT #741 349T AND DOT #741 354P)	COMPANY'S PROOF OF
)	COMPLIANCE WITH ARIZONA
)	CORPORATION COMMISSION'S
)	PROCEDURAL ORDER

Applicant Union Pacific Railroad Company, by and through its attorneys Beaugureau, Zukowski & Hancock, P.C., pursuant to the Procedural Order of the Arizona Corporation Commission (“ACC”) dated July 5, 2005, hereby provides proof that it has this date complied with said Procedural Order by providing, by certified mail, a copy of its Application for the Closure of Two Railroad Crossings at AAR DOT Nos. 741 349T and 741 354P, and a copy of the ACC Procedural Order, together with a Notice of same filed herewith, to the following:

Arizona Department of Transportation
Dennis Alvarez, District Engineer
1221 South 2nd Avenue
Tucson, AZ 85713-1602
(520) 620-5411

David Gibson
Arizona Department of Transportation
206 South 17th Avenue, MD-064R
Phoenix, AZ 85007

• • •

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1 Pinal County
2 Planning & Development
3 31 North Pinal Street
4 Building F
5 Florence, AZ 85232
6 (520) 866-6442

7 City of Casa Grande
8 Planning and Development Department
9 Rick Miller, Director
10 510 East Florence Blvd.
11 Casa Grande, AZ 85222

12 DATED this 11th day of July, 2005.

13 BEAUGUREAU, ZUKOWSKI
14 & HANCOCK, P.C.

15 By: Terrance L. Sims
16 Anthony J. Hancock
17 Ernest Collins, Jr.
18 Terrance L. Sims
19 2111 E. Highland Avenue
20 Suite 255
21 Phoenix, Arizona 85016
22 Attorneys for Applicant Union
23 Pacific Railroad Company

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Phoenix, Arizona 85007

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Chief Counsel, Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

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3 Arizona Corporation Commission
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5 Phoenix, Arizona 85007

6 Don Thompson, Chief
7 Railroad Safety Section
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9 Arizona Corporation Commission
10 1200 West Washington Street
11 Phoenix, AZ 85007

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13 Mary Ann Palmer
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